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7   **UNITED STATES DISTRICT COURT**

8   **DISTRICT OF NEVADA**

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10 RANDALL BRUCE BARLOW,   )

11   Plaintiff,   )   Case No. 2:13-cv-00033-JAD-CWH

12   )

13 vs.   )   **ORDER**

DONALD S. HERMAN, *et al*.,   )

14   )

15   Defendants.   )

16   This matter is before the Court on Plaintiff's Emergency Motion to Compel Depositions (#71)

17 and Emergency Motion to Stay (#72), filed October 23, 2014. No response was filed. Generally,

18 pursuant to Local Rule 7-2(d), the failure of an opposing party to file points and authorities in

19 opposition to a motion constitutes consent to the granting of the motion. However, in this instance, the

20 undersigned has determined to grant the relief only in part. Specifically, the request to compel the

21 depositions will be denied, but the request to stay discovery and all other deadlines, including the

22 deadline to file dispositive motions, will be granted.

23   The Court has grown weary of Defendants unwillingness to participate in good faith in this

24 litigation. The Court held a hearing on Plaintiff's emergency motion for an order to show cause on

25 September 4, 2014. (#69). It has become even more clear since that time that Defendants have no

26 intention of litigating this matter in good faith or complying with the Court's orders or applicable rules.

27 Consequently, the undersigned will be entering a recommendation to the District Judge that

28 Defendants' answer be stricken and default entered. Rather than require Plaintiff to continue to incur

costs, this case will be stayed pending submission of the recommendation and resolution of any

1 objection thereto.

2   Based on the foregoing and good cause appearing,

3   **IT IS HEREBY ORDERED** that Plaintiff's Emergency Motion to Compel Depositions is

4 **denied without prejudice**.

5   **IT IS FURTHER ORDERED** that Plaintiff's Emergency Motion to Stay (#72) is **granted**.

6 The case is stayed. The undersigned Magistrate Judge will enter a separate recommendation that

7 Defendants' Answer be stricken and default entered in Plaintiff's favor.

8   DATED: November 13, 2014.

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                      C.W. HOFFMAN, JR.

11   **UNITED STATES MAGISTRATE JUDGE**